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COMMITTEE ON THE ELIMINATION OF RACIAL DISCRIMINATION

Fiftieth session

SUMMARY RECORD OF THE 1201st MEETING

Held at the Palais des Nations, Geneva,
on Thursday, 13 March 1997, at 10 a.m.

Chairman: Mr. BANTON

CONTENTS

CONSIDERATION OF REPORTS, COMMENTS AND INFORMATION SUBMITTED BY STATES PARTIES UNDER ARTICLE 9 OF THE CONVENTION (continued)

Ninth and tenth periodic reports of Belgium (continued)

Review of implementation of the Convention in States parties with long-overdue reports (continued)

- Cameroon

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The meeting was called to order at 10.05 a.m.

CONSIDERATION OF REPORTS, COMMENTS AND INFORMATION SUBMITTED BY STATES PARTIES UNDER ARTICLE 9 OF THE CONVENTION (agenda item 5) (continued)

Ninth and tenth periodic reports of Belgium (CERD/C/260/Add.2; HRI/CORE/1/Add.1/Rev.1) (continued)

1. At the invitation of the Chairman, the members of the delegation of Belgium resumed their places at the Committee table.

2. Mr. van den BULCKE (Belgium) said there was no reason to fear that the immigration policy of the Belgian Government would end up criminalizing the immigrant. A serious assessment of that policy should take into account the global approach to the question of immigration, including provisions protecting the rights of immigrants under detention while awaiting repatriation to their country of origin.

3. With regard to the struggle against illegal immigration, the Government was primarily targeting people who exploited illegal immigrants, for example by curbing the use of illegal labourers and traffic in persons. It made an effort to organize repatriation humanely of immigrants who had not obtained a residence permit in Belgium, for instance by encouraging their voluntary departure.

4. Legal protection was planned for immigrants placed in detention while awaiting repatriation. If appropriate, the detention, which could be as long as two months, could be prolonged, in conformity with the law and under the supervision of the competent courts.

5. In connection with the fight against marriages of convenience, the courts could be asked to perform checks. The Government was in the process of preparing supplementary provisions in order to clarify the rights and obligations of persons with regard to marriage with immigrants, observing the greatest respect for the fundamental right to marry.

6. Mr. SAN'T ANGELO (Belgium), replying to questions raised by members of the Committee on the application of the anti-racist laws, said that Parliament had doubtless been somewhat hasty in replacing the concept of national origin with that of nationality for reasons of logistical consistency, but that the amendment had had no practical effect. In any event, the Centre for Equal Opportunity and Action to Combat Racism would propose reverting to the concept of national origin, in conformity with the Convention.

7. Turning to offences against the legislation on the press, he said that the courts could declare themselves incompetent, but not the investigating bodies or the public prosecutor. Belgian legislation punished racist acts only if the racist intent had been sufficiently proved. The purpose of the 1994 reform had been to facilitate the establishment of proof of racist intent. By virtue of a decision of the Court of Cassation, however, the existence of the offence and the prosecution of its author did not depend on

an actual act having been committed. In addition, the 1995 Act punished the perpetrators of genocide and equated revisionism with incitement to racial hatred and violence and to anti-Semitism.

8. He assured the Committee that Belgium had no particular difficulty in preparing statistics on combatting racism and should be able to submit them in its next periodic report, broken down article by article, as requested.

9. With regard to the ban on racist organizations, the Constitution did not permit associations to be banned. However, the conviction of members of small organizations under article 3 of the 1981 Act generally resulted in those organizations dissolving themselves, which compensated for the fact that they could not be banned. The problem remained, however, vis-à-vis large organizations and political parties. Much was expected of the ongoing reform of justice, legal proceedings and provisions on caring for and compensating the victims of racist acts.

10. The federal State had initiated the procedure of seeking Parliament's approval of Belgium's accession to article 14 of the Convention. At the same time, it was looking into the practices of States that had acceded to the Convention, particularly with regard to the establishment within their legal system of a body competent to consider petitions from individuals complaining of violations of the rights enunciated in the Convention. Belgium nonetheless feared the legal consequences of a proliferation of protocols aimed at giving all the human rights conventions mechanisms for the submission of complaints from individuals. It was particularly worried about the risks of overlap and about the still-embryonic nature of the case law of the treaty bodies.

11. Mr. VILLAN (Belgium) said that the integration of immigrants into the Walloon and Flemish communities had taken different forms because of various socio-historic factors. Having begun much earlier and been initially European in origin, immigration to Wallonia had been facilitated by the existence of common places of work and living, which had encouraged solidarity between immigrants and locals, and by the fact that the first wave of immigrants had belonged to a common European cultural matrix.

12. The population that came from member States of the European Union was larger in Wallonia than in Flanders. In the Brussels region, on the other hand, the community of Maghreb and Turkish origin was especially large but did not work or live in the same places as Brussels natives. Some 30 per cent of the people in Wallonia were of foreign origin, whereas in Flanders the figure was 12 to 13 per cent. Similarly, the "new Belgians", namely, persons born on Belgian territory of foreign parents, who were therefore able to acquire Belgian nationality, were to be found in all the communities, although they were particularly numerous in Wallonia and the Brussels region.

13. In Wallonia, the integration of foreigners had been organized jointly by Belgian and immigrant associations and the local authorities. The concept of integration had been defined and accepted at the federal State level and was therefore the result of joint consideration by the linguistic communities. In the French-speaking area, the emphasis was on learning French as a second language, combatting school drop-out, citizenship, combatting racism, mediation and social and professional integration. The "success schools" and

priority education zones were also stressed. Intercultural mediators had been designated to facilitate the scholastic integration of young immigrants. Similarly, health mediators were working to ensure that cultural factors were taken into account in preparing medical diagnoses.

14. Mrs. DEGROOTE (Belgium) turned to the legal aspects of implementation of the Declaration on Non-Discrimination in Elementary Education in the Flemish community, which was reflected in a multi-pronged action. The Minister of Education had adopted an approach based on voluntary participation rather than a legalistic approach, as the Constitution provided for freedom of choice as to education. Furthermore, 70 per cent of the education sector in Flanders was accounted for by Catholic institutions independent of the State. A legalistic approach would risk setting the Catholic schools against students from immigrant backgrounds, particularly Islamic backgrounds. All the communities had reached voluntary agreements concerning access to schools. Parents who were not happy with the arrangements could turn to extra legal mediation or to a judge. However, the relevant case law was not consistent, and freedom of education remained a major element.

15. The expression "white schools" referred to schools where there were no or almost no immigrant students, whereas "black schools" meant the contrary, which was explained in paragraph 98 of the report.

16. Mr. van den BULCKE (Belgium) said that information which could not be provided either in writing or orally would be included in the next periodic report of Belgium. Following the recent tragedies there, public opinion and the authorities were reflecting on what steps to take to institute justice with a human face. The Committee's observations would therefore be all the more valuable to Belgium.

17. Mr. FERRERO COSTA asked whether he understood correctly that children born in Belgium to alien parents automatically acquired the possibility of obtaining Belgian nationality. If that was only a possibility, it would mean that Belgian legislation did not respect the principle of jus soli. If so, he wished to have explanations on the reasons for the restriction. The Belgian Government should also submit its reports with greater regularity than it had done in the past.

18. Mr. GARVALOV said that the case of Belgium demonstrated that language was not necessarily the only criterion the Committee should use in deciding on ethnic differences, but nor should it ignore it, even if languages and religions were less rigorous criteria than ethnic origins. In that regard, he recalled that the General Assembly in 1992 had adopted a Declaration on the Rights of Persons Belonging to National or Ethnic, Religious or Linguistic Minorities, affirming the validity of those criteria.

19. Mr. SHAHI asked precisely to what extent each of the paragraphs of article 4 of the Convention was being implemented and what were the activities of the Centre for Equal Opportunity and Action to Combat Racism.

20. Mr. van BOVEN repeated the question he had raised on 12 March as to why the Ministry of Foreign Affairs had been unable to provide the Belgian League of Human Rights with a copy of the report of Belgium, as requested by the

League. He presumed there had been a misunderstanding. There was a political party in Belgium, the Vlaams Blok, which had many members, particularly in Flanders, and which in many ways could be considered as racist. He understood that there were no plans to declare it illegal, and therefore asked whether criminal proceedings had been initiated against its members who were, by making racist remarks, infringing the 1991 Act, amended in 1994. He also asked how respected the party was in political life, and whether it had any elected officials at the local and federal levels.

21. Mr. de GOUTTES said that the Belgian delegation had made an important observation on the distinction between the Convention on the Rights of the Child and the International Convention on the Elimination of All Forms of Racial Discrimination in terms of their direct applicability. Did that mean that the provisions of the latter were not directly applicable? It did, however, seem that Belgium was one of the "monist" States (for which ratified treaties had primacy over domestic law as well as direct effect), as opposed to "dualist" States (in which a national law was needed in order for treaties to be applied domestically).

22. Mr. LECHUGA HEVIA, referring to paragraph 23 of the Spanish version of the report, said he did not understand what was meant by "países análogos" (similar countries) and asked whether the restriction under article 18 bis did not risk provoking racist acts.

23. Mr. ABOUL-NASR said he hoped that the Belgian delegation would reply to his question about genocide. He was surprised that Mr. van Boven had asked why Belgium's report had not been transmitted to an NGO. Returning to article 9, he said that the Convention in no way obliged States parties to transmit their report to anyone other than the Secretary-General.

24. Mr. van BOVEN said that he was merely following the recommendations contained in several resolutions of the General Assembly.

25. The CHAIRMAN, speaking in his capacity as a member of the Committee, said he hoped Belgium would subsequently provide the Committee with details on the text of the Act penalizing the denial of the Holocaust.

26. Mr. van den BULCKE (Belgium) said that on 12 March he had asked the Ministry of Foreign Affairs why the Belgian League for Human Rights, had not had access to the report, but he had not received a reply, as the competent official was ill. The delegation had duly noted the question, which affected the very credibility of the country's institutions.

27. Mr. SAN'T ANGELO (Belgium) replied to other questions raised by members of the Committee. In connection with the acquisition of nationality, he said that, traditionally, Belgium was a country of jus sanguinis. Since 1984, however, there had been a trend towards jus solis. Currently, when both parents of a child born in Belgium had lived there for at least 10 years, they could file a declaration of Belgian nationality on behalf of their child before he or she reached the age of 12. If, on the other hand, one of the foreign parents was born in Belgium, the child automatically acquired Belgian nationality at birth.

28. The 1981 Act, as amended in 1994, was an application of article 4 of the Convention. The activities of the Centre for Equal Opportunity and Action to Combat Racism were highly diverse and could be described in greater detail in the next report.

29. A preliminary attempt to take legal action had been made against the Vlaams Blok but had come up against the problem of offences against the legislation on the press. Another action had been filed in reaction to the publication of a brochure, but other evidence was being gathered in an attempt to avoid the same hurdle. Article 3 of the Convention would certainly be invoked. No burgomaster, mayor or alderman was a member of the Vlaams Blok, but several municipal councillors belonged to that party in Flanders, where there were many voters. Belgium did, however, abide by the democratic rules, and Vlaams Blok had the same constitutional rights as other parties.

30. Article 18 bis had never been applied to paragraph 23. The Spanish translation was undoubtedly incorrect: the phrase referred to "foreigners other than European Community and assimilated foreigners". The term "assimilated" was one of Community law, by which a non-European foreigner who married a European enjoyed the status of European through assimilation.

31. On the question of the direct applicability of the Convention, Belgium did make a distinction between the provisions, some of which were directly applicable, or in other words could be invoked directly before the courts. As to languages, the Constitution clearly defined the right to use each language freely. That was a very important principle. There were other specific regulations concerning the languages used for communication with the authorities. The Vlaams Blok was not represented at any level of the Executive branch.

32. Mr. DIACONU (Country Rapporteur) welcomed the very interesting dialogue that had taken place with Belgium and drew several general conclusions from it. Greater consistency and enhanced coordination should be secured within the legislative system if the new anti-discrimination laws were to be effectively implemented and not come up against the hurdle of offences against the legislation on the press. Greater effort was needed in the application of anti-racist legislation to avoid a situation of de facto impunity. The authorities, including parliamentarians, should also be more concerned with shaping public opinion so as to prevent foreigners from being considered as enemies. The Committee, and the Belgian authorities, should encourage the activities of the Centre for Equal Opportunity and Action to Combat Racism, which had an extremely important role to play in ensuring to the extent possible that the Convention was implemented uniformly throughout the territory.

33. The CHAIRMAN thanked the Belgian delegation for the very useful exchange of views, which should contribute to an enhanced implementation of the Convention. The Committee had thereby concluded its consideration of the ninth and tenth periodic reports of Belgium.

34. The delegation of Belgium withdrew.

Review of implementation of the Convention in States parties with long-overdue reports

Cameroon

35. At the invitation of the Chairman, the members of the delegation of Cameroon took places at the Committee table.

36. The CHAIRMAN recalled that, in conformity with the decisions taken at its forty-ninth session, the Committee had planned to review the status of implementation of the Convention in several States parties whose reports were long-overdue. Such a State was Cameroon, which had been invited to participate in the exchange. Insofar as it was relatively unusual for States parties to respond to such an invitation, he welcomed the presence of the delegation of Cameroon. In undertaking its assessment, the Committee would endeavour not to raise questions that were not relevant to the Convention, as it had sometimes been tempted to do in the past.

37. Mr. YOUMSI (Cameroon) thanked the Committee for its warm welcome and regretted the delay in submitting his country's periodic reports. His delegation had attempted to fill in the gaps observed by the Committee in the eighth and ninth periodic reports (CERD/C/171/Add.1).

38. Regarding the first part of the report ("General information"), the members of the Committee had asked for additional information on several points. Referring first of all to the composition of the population, he said that, according to the most recent general census, which dated from 1986, Cameroon had 12,903,000 inhabitants, 51 per cent of whom were women and 49 per cent men, 40 per cent of whom were under age 15, 50 per cent between ages 16 and 64 and 10 per cent over 65. The demographic growth rate was 2.6 per cent. One third of the population lived in urban centres. Life expectancy was 59 years for women and 54.5 years for men. The literacy rate, currently in decline, was 68 per cent, one of the highest rates of that African subregion.

39. The population was composed primarily of Bantus in the south, the coastal area, the centre, the south-west and the south-east; of Sudanese and Peuls in the provinces of Adamaoua, the north and the far north; and of Choa Arabs in the Lake Chad valley.

40. Regarding voting modalities, Act No. 92/002 of 14 August 1992 stated that municipal councillors were elected on a single ballot by a majority proportional vote. Each list should be representative of the different social segments of the district. The mayor was elected by the municipal council. Those provisions had become applicable as of the first pluralistic municipal elections of 1996.

41. Act No. 91/20 of 16 December 1991 stipulated that the election of deputies to the National Assembly was to be carried out by voting for several members from a list, without either a preferential vote or vote-splitting. Each political party that was authorized by the law submitted a list comprising as many candidates chosen from among its members as there were seats to be filled. In that case as well, each list had to represent all the

district's social segments. The provisions had been applied during the first multi-party legislative elections of 1992. Four political parties were now represented in Parliament.

42. The multi-party system had progressed. The opposition parties had taken part in the three elections held since the institution of the multi-party system in 1990. They had presented 8 candidates in the 1992 presidential elections, and in the same year, 36 parties had presented themselves at the legislative elections. Thirty-eight parties had participated in the 1996 municipal elections and 15 of them were represented on the municipal councils. In the cities, many mayors' offices were being run by the opposition.

43. With regard to measures taken to encourage equality between the sexes, Cameroonian women had access to all jobs, including in the public sector, where they accounted for 32.6 per cent of staff; in the National Assembly, where there were 22 women, or 12 per cent of deputies; on the Supreme Court, where one woman had reached the rank of counsellor and another was President of the Appeals Court; and in the Government, of which 2 general secretaries were women.

44. Women accounted for 52.8 per cent of workers in the tertiary sector. The Chief Executive Officer of the National Investment Corporation (SNI), which controlled all State-owned enterprises, was a woman. Some 43.8 per cent of employees in the medico-social sector were women. In all sectors of activity, there was equal remuneration between men and women, and most of the political parties encouraged the advancement of women to electoral functions, both legislative and municipal.

45. In connection with the implementation of article 2 of the Convention, the preamble to the Constitution of 18 January 1996 provided that the State secured the protection of minorities and preserved the rights of indigenous populations.

46. Schools were built in the least developed areas of the country and health centres were established. As part of international cooperation, studies were carried out in order to understand the life style of certain groups and, through the appropriate assistance, to encourage their endogenous development. To that end, there was a support project for the self-advancement of the Pygmies.

47. On articles 4 and 6 of the Convention, article 45 of the Constitution stated that ratified international treaties or accords took precedence over national legislation. The provisions of the Convention could therefore be invoked before the administrative authorities and the courts. If those provisions called for charges to be brought, it was vital that the appropriate penalty should be incorporated into domestic criminal law.

48. As at 1 June 1995, there had been 45,813 refugees from Chad, Rwanda, Equatorial Guinea, Burundi, Zaire, the Sudan and Liberia. They were increasingly numerous, as Cameroon was a land of asylum and a melting pot. The refugees were taken care of by the Office of the High Commissioner for Refugees (UNHCR), which had an office in Yaoundé, and by the Government.

Most of them were part of the formal or informal economic sector. However, they would have to return to their countries once the repression there had ended, except for those who in the meantime had acquired Cameroonian nationality.

49. With regard to house searches, the Criminal Investigation Code, part of the French legacy, and the rules of criminal procedure which were part of common law applied. Those instruments set forth the conditions for house searches, including authorization from a judge or, in cases of flagrante delicto, the consent of the master of the house.

50. Since the repeal of the emergency laws in 1990, and the democratization that had accompanied the multi-party system, Cameroon no longer had any real opponents of the regime or persons imprisoned without having been indicted or tried for endangering public order or another offence.

51. In connection with restrictions on freedom of expression and the press based on unity, national security, public order and decency and morals, Act No. 90/52 of 19 December 1990 on freedom of communication stipulated that the decision to seize an indicted press organ was taken by the competent administrative authority. The Minister of Territorial Administration could also ban a press organ. An appeal against a decision to seize or ban could be lodged with the competent judge. Censorship had been abolished by Act No. 96/04 of 4 January 1996.

52. A National Human Rights and Freedoms Committee had been established in 1990. Among other activities, it publicized human rights instruments and collected and disseminated international texts on human rights and freedoms.

53. Mr. de GOUTTES (Country Rapporteur) thanked the delegation of Cameroon for having come specially from Yaoundé, which demonstrated Cameroon's willingness to resume contact with the Committee after an interruption of more than six years. In August 1990, at the thirty-eighth session of the Committee, Mr. Ahmadu had stated that the Cameroonian Government was one of the few in Africa to submit its periodic reports, pay its dues and send a delegation during consideration of its reports by the Committee. Since 1990, the domestic situation of Cameroon had changed greatly: following the introduction of the multi-party system in late June 1990, the March 1992 legislative elections had given a relative majority to the party of President Biya, the Rassemblement démocratique du peuple camerounais (Cameroonian People's Democratic Movement). The October 1992 presidential elections, held under an absolute-majority, single-ballot system, had led to the President's re-election. A constitutional amendment had been adopted by the Assembly in December 1995 and had permitted the creation of a Senate, a Constitutional Court and decentralization. He wondered whether that reform had actually been realized in full.

54. The January 1996 municipal elections had brought victory to the Social Democratic Front (SDF) and the National Union for Democracy and Progress (UNDP)in most of the large cities. Legislative and then presidential elections were to take place in March, April and October 1997. However, the opposition was complaining about obstacles to the registration of voters in

areas that did not support the Government. The opposition believed that the transparency of the upcoming elections was uncertain as the Government had stood in the way of plans to train national elections observers.

55. In the absence of a written report from Cameroon, he had drawn on the following sources of information: various United Nations bodies; the second periodic report submitted by Cameroon to the Human Rights Committee, in 1993 (CCPR/C/63/Add.1); the March 1994 report of the Human Rights Committee to the General Assembly (A/49/40); the report of Amnesty International; and the 1996 human rights report of the United States Department of State. In the light of that information, he reminded the Cameroonian authorities of the need to comply with their obligations under the Convention by providing information in their next periodic report, combining the tenth, eleventh and twelfth overdue reports, on the country's socio-political situation and on the implementation of articles 2-7 of the Convention. In order to prepare its report, the Government should, if it thought it necessary, request the assistance of the Centre for Human Rights.

56. The next report should provide fuller information on the composition of the population. The information just provided by Mr. Youmsi was inadequate. In the next report, statistics should describe the various ethnic groups, which the delegation had numbered at 200 in 1990. The Committee would also like to be informed of the breakdown of refugees by nationality.

57. Regarding the implementation of article 2 of the Convention, the Government should provide the Committee with additional information on the so-called positive measures it had taken to ensure the adequate development and protection of certain minority groups in less developed areas of the country, particularly the Pygmies and Bantus. Were they receiving Government assistance? What were the living conditions of the Pgymies in the resettlement areas?

58. According to the report of the United States Department of State, the Beti ethnic group, to which President Biya belonged, held all the key posts in the Government, the security forces and the army. The Committee would like further information on that situation, which appeared to be based on the domination of one ethnic group by another.

59. The Committee wished to be better informed on the functioning of the National Human Rights and Freedoms Committee and other organizations involved in combating racial and ethnic discrimination. Did that body make its work public? What were its plans? In February 1996, the first African regional conference of national institutions for the protection of human rights had been held at Yaoundé. Further information on that conference and on Cameroon's contribution would be welcome.

60. Concerning articles 4 and 6 of the Convention, the Committee wondered whether the reforms of the Penal Code and the Code of Criminal Procedure mentioned in the previous report allowed for all cases of racial or ethnic discrimination to be tried and punished. In connection with the judicial authorities, the United States State Department report mentioned the malfunctioning of justice in Cameroon but also the phenomena of corruption and pressure placed on judges by the Executive branch. The Committee would like

information on that point. Was it true that there were still "private prisons" in the north of the country placed under the authority of the traditional chiefs, the Lamibés, who were not subject to the authority of the penitentiary system?

61. In relation to article 5 of the Convention, as in 1990, the Committee would like more information on the economic, social and cultural rights enjoyed by minority and ethnic groups in Cameroon, particularly in the fields of health, education, culture and religion. Were those groups represented in the elected bodies? What were the illiteracy and school enrolment rates? How were the different ethnic minorities integrated into public life, the army, the police, the magistrature and the administration? Was it true, as indicated in the 1996 report of Amnesty International, that there had been serious intercommunity clashes in the Nord-Ouest province?

62. Furthermore, as the Committee had done in 1990, he asked the Government to clarify the effects of the coexistence in Cameroon of two different legal systems.

63. In reference to article 7, the Government should provide information on its efforts to promote public awareness of the provisions of the Convention and the Committee's conclusions and to ensure training in human rights and inter-ethnic tolerance for law enforcement officers, particularly members of the security forces. According to Amnesty International and the United States Department of State, they had committed acts of violence and abuses against civilian populations.

64. Mr. FERRERO COSTA, agreeing with Mr. de Gouttes, suggested that the Government should ask the Centre of Human Rights for assistance in preparing its report. He asked how a country with 200 different ethnic groups could be exempt from all problems of racial discrimination, as the Cameroon representative had stated in 1990. Should such problems exist, what steps was the Government taking to eliminate racial discrimination? It seemed that a reform of legislation was needed so as to apply article 4 in full. He wished to know the situation of languages other than French and English. He would also like to know more about the functioning and powers of the National Human Rights and Freedoms Committee.

65. He requested clarification on the planning system mentioned in paragraph 309 of the Committee's report to the General Assembly (A/45/18), which had been implemented to establish a balance between the various ethnic groups and provinces in the country.

66. Mrs. SADIQ ALI, supported by Mr. Ahmadu, asked how many Rwandan refugees there were in Cameroon and how many of those who had been suspected of participating in the genocide had been repatriated to Rwanda at the request of the Rwandan Government.

67. Mr. AHMADU commended Cameroon for having, since its previous report (CERD/C/171/Add.1), held free and fair elections, taken a number of steps to integrate ethnic groups, and adopted many legislative provisions in conformity with the Convention. He asked the delegation if it was true that the mayors elected in the most recent municipal elections had not been authorized to take

up their duties. He requested more information on the composition of the foreign population living in Cameroon and on conflicts between French-language and English-language legislation. If possible, he would also like to know the breakdown of the population in terms of religion and what the number of animists was. Did one particular ethnic group predominate in the administration? Were the populations of the north fully integrated into the armed forces and the public sector?

68. Mr. SHERIFIS said he wished to thank the delegation personally for having come specially to participate in the Committee's current meeting. He stressed the importance of the question of the ethnic composition of Cameroon, especially since it was the only country belonging both to the French-speaking group of countries and to the Commonwealth. He also commended Cameroon for having created a national human rights committee, as that decision was in conformity with a recommendation adopted unanimously by the Committee.

69. The CHAIRMAN drew the attention of the delegation to the Committee's guidelines on population statistics, taking account of the fact that some African countries thought it preferable not to collect census data on the ethnic origin of the population. Furthermore, members of the community were aware that, in the multi-ethnic societies of Africa, ethnic questions could lead to political problems, and care should be taken not to consider them in their ethnic dimension alone. He invited the delegation to provide detailed replies in its next report and at the present time to provide any further details it deemed necessary, if it so wished.

70. Mr. YOUMSI (Cameroon) thanked the rapporteur for his pertinent analysis of the situation in Cameroon and thanked the other members of the Committee for their interest. Most of the questions would be answered to in detail in Cameroon's report, but he wished immediately to give additional information on the malfunctioning of justice and on ethnic problems. The difficulties encountered in the area of justice were due first of all to the diversity of the sources of law, as the country had inherited two legal systems, the English-language one (common law) and the French-language one (Roman law). Partial modifications had been made, but they were not always easy to consult. Secondly, due to the country's economic and financial difficulties, the material and human resources budgets for justice were very limited.

71. With regard to the problem of corruption, although it was difficult to get a grip on, it was possible to discern cases of corruption by studying the decisions of justice. As to access to justice, Cameroon had maintained a traditional court in civil affairs, which was very easily accessible. The defendant could present, in his own language, an oral request which could be translated if necessary into one of the two official languages of the country. There was also a modern court, which was readily accessible, but which had to be addressed by written request and therefore required the involvement of lawyers. Contrary to what happened in many European countries, the Cameroonian defendant did not need legal counsel on civil matters, except in cases of appeal to the Supreme Court, as the debate was then on law and not on the facts. The law gave needy persons access to legal aid as long as they had certified that they did not pay taxes. For criminal cases, a lawyer was assigned by the court.

72. Mr. EBAN (Cameroon) said that there had indeed been clashes in the Nord-Ouest province following a boundary dispute between two villages, but order had been restored. There were two types of communes in Cameroon, rural communes and special system communes. The former were headed by a mayor and the latter by the President of the Municipal Council, both elected by the people, but the law called for the latter to be headed by a Government-appointed representative.

73. In connection with the organization of elections, the main problem had been voter registration, an operation conducted by the electoral roll review committee. That joint committee, which included representatives of the administration, of each political party participating in the elections, and of the communes, registered citizens who met the voter eligibility requirements, but not militants of a given political party. The difficulties with registration were explained by the fact that, in some regions, the people were waiting to hear the date of the elections before they registered, but that, prior to the November 1997 vote on a new act which made voter registration possible year-round, registration was possible only between 1 January and 30 April. It was that registration problem, widespread in Cameroon, which was behind the authorities' decision to postpone the legislative elections slightly.

74. Mr. EKOUMOU (Cameroon) said that, contrary to Mr. de Gouttes' assertion, the Bantus were not a minority. Regarding the Rwandan refugees, Cameroon had not extradited Rwandans, as Rwanda had the death penalty. However, Rwandans had been turned over to the International Tribunal for Rwanda. Rwandans suspected of genocide were incarcerated in the Yaoundé central prison. Other Rwandan refugees were fully assimilated into Cameroon, especially if they were Bantus. As to the creation of a national independent commission, such a measure would be unconstitutional, as the Constitution called for the creation of a constitutional council to rule on legislative and presidential elections. Until such a court was established, it was the Supreme Court which performed that function. As to the question of national observers, the Government, with the support of the Canadian Government and several member States of the European Union, was perfectly entitled to train election monitors in preparation for the elections.

75. The CHAIRMAN thanked the delegation warmly for its presence and contribution to the debate and hoped the debate would be helpful in preparing the next report.

76. The delegation of Cameroon withdrew.

The meeting rose at 1.05 p.m.